

8. **PROVIDER'S PROPOSED OPERATIONS:** The Provider proposes to operate in the Commonwealth of Pennsylvania as:
- ☐ Interexchange Toll Reseller, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
 - ☐ Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)
 - ☐ Competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)
 - ☐ competitive Local Exchange Carrier
 - ☐ Facilities-based
 - ☐ Non-facilities-based
 - ☐ Incumbent Local Exchange Carrier
 - ☐ Other (Identify).
9. **PROPOSED SERVICES:** Describe in detail the services which the Provider proposes to **offer** within each category in Question #8. Clearly and separately delineate the services within each proposed category. (Attach a separate sheet if necessary.)

Provider certifies **that no other services are proposed to be offered in the Commonwealth of Pennsylvania.**

10. **CERTIFICATES OF PUBLIC CONVENIENCE:** List all of the services encompassed by your answers in Section 7 for which a Certificate of Public Convenience has been issued by the Pennsylvania Public Utility Commission. For each such service listed, specify the application number and date of issuance of each certificate. (Attach a copy of each such Certificate.)

List all of the services encompassed by your answer(s) in Section 7 for which no Certificate of Public Convenience has been issued by the Pennsylvania Public Utility Commission.

11. **TARIFF(S):** List all of the services encompassed by your answer(s) in Section 7 for which a current tariff is on file and in effect with the Pennsylvania Public Utility Commission. For each such service, specify the tariff number and date filed. A current copy of the tariff on file and in effect with the Pennsylvania Public Utility Commission corresponding to each service for which a Certificate of Public Convenience is listed in Section 10 must be appended to this Certification.

Provider certifies no other services are offered in the Commonwealth of Pennsylvania, except as follows:

12. **START DATE:** The Provider proposes to begin offering services on or about _____
13. **COMPLIANCE:** State specifically whether the Provider, an affiliate, a predecessor of either, or a person identified in this Certification has been convicted of a crime involving fraud or similar activity. Identify all proceedings, limited to proceedings dealing with business operations in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Provider, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.
14. **UPDATES:** Any change(s) to the information furnished by Provider in this Certification must be updated by Provider within thirty (30) days of the effective date of any such change by filing with the Borough of Blawnox an amendment, in writing, to this Certification fully describing the change. Such amendment must be accompanied by a completed Verification Statement in the form set forth on the following page of this Certification.

15. **VERIFICATION:** The Provider must complete the following Verification Statement.

VERIFICATION STATEMENT

[Commonwealth/State] of _____

ss.

County of _____

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/She] is the _____ (Office of Affiant) of _____ (Name of Provider)

That [he/she] is authorized to and does make this affidavit for said Provider;

That the foregoing Certification is current and complete

That the facts above set forth are true and correct.

The affiant understands that the making of false statement(s) herein may be grounds for criminal prosecution. This Certification, and any related application(s) or ancillary document(s) are subject to the provisions of 18 Pa.C.S.A. §§ 4903 and 4904, relating to perjury and falsification in official matters.

Signature of Affiant

Sworn and subscribed before me this _____ day of _____
Month Year

Signature of official administering oath

My Commission expires _____



E

Exhibit “E”

**BOROUGH OF BLAWNOX
COMMONWEALTH OF PENNSYLVANIA**

CERTIFICATION - TELECOMMUNICATIONS PROVIDERS

This certification is to be completed by each telecommunications provider seeking to begin construction, operation or use of a telecommunications network within the public rights of way owned or controlled by the Borough of Blawnox, Pennsylvania. Attach additional sheets if necessary.

1. **IDENTITY OF THE PROVIDER:** The name, address, telephone number, and fax number of the Provider. *FIBER TECHNOLOGIES NETWORK, L.L.C.*
140 ALLENS CREEK ROAD
ROCHESTER, NEW YORK 14618-3307
PHONE # 585-697-5100 FAX # 585-442-8845

Please identify any predecessors of the Provider and provide other names under which the Provider has operated within the preceding five years, including name, address, and telephone number.

- FIBER SYSTEMS, LLC*
140 ALLENS CREEK ROAD
ROCHESTER, NEW YORK 14618-3307
2. **ATTORNEY:** The name, address, telephone number, and fax number of the Provider's attorney. *CHARLES B. STOCKDALE*
VICE PRESIDENT AND CORPORATE COUNSEL
140 ALLENS CREEK ROAD
ROCHESTER, NEW YORK 14618-3307
PHONE # 585-697-5113 FAX # 585-442-8845

3. **CONTACT(S):** The name, title, address, telephone number, and fax number of the person(s) to whom questions about this Provider Certification should be addressed.

TULIE S. ADAMS
CONTRACTS AND RIGHTS OF WAY MANAGER
140 ALLENS CREEK ROAD
ROCHESTER, NEW YORK 14618-3307

4. **FICTITIOUS NAME:** *PHONE # 585-697-5114 FAX # 585-442-9709*

☒ The Provider will not be using a fictitious name.

☐ The Provider will be using a fictitious name. Attach to this Certification a copy of the Provider's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

- ☐ The Provider is a sole proprietor.
- ☐ The Provider is a:
- ☐ General partnership
 - ☐ Domestic limited partnership (15 Pa. C.S. §8511)
 - ☐ 'Foreign' limited partnership (15 Pa. C.S. §8582)
 - ☐ Domestic registered limited liability partnership (15 Pa. C.S. §8201)
 - ☐ *Foreign registered limited liability general partnership (15 Pa. C.S. §8211)
 - ☐ Domestic corporation (15 Pa. C.S. §1306)
 - ☐ 'Foreign' corporation (15 Pa. C.S. §4124)
 - ☐ Domestic limited liability company (15 Pa. C.S. §8913)
 - ☒ 'Foreign' limited liability company (15 Pa. C.S. §8981)

Provide name and address of Corporate Registered Office Provider or Registered Office within PA.

Attach to this Certification the name and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

Attach to this Certification proof of compliance with appropriate Department of State filing requirements as indicated above.

- ☐ List name and address of officers and directors:

REGISTERED AGENT: CT CORPORATION SYSTEM
1515 MARKET STREET
SUITE 1210
PHILADELPHIA, PENNSYLVANIA 19102

PROVIDER HAS NO OFFICERS OR DIRECTORS. ITS SOLE MEMBER
IS FIBERTECH NETWORKS, LLC, A DELAWARE LIMITED COMPANY
WITH ITS OFFICES AT 140 ALLEN CREEK ROAD, ROCHESTER,
NEW YORK 14618.

6. AFFILIATES:

☐ The Provider has no affiliates

☒ The Provider has affiliates but Provider does not conduct business with any such affiliate(s), nor does Provider have any business arrangement with such affiliate(s), except as follows: (Identify each such affiliate and provide descriptive summary of the business conducted or the business arrangement. Attach an addition sheet if necessary.)

"Affiliate" means a person or entity (i) with a direct or indirect ownership interest in the subject entity of five (5%) percent or more or controls such interest, including forms of ownership such as general, limited, or other partnership interests, direct ownership interests, limited liability companies and other forms of business organizations and entities but, not including corporations, (ii) with a stock interest in the subject entity where the subject entity is a corporation and such stockholder or its nominee is an officer or director of the Provider or who directly or indirectly owns or controls five (5%) percent or more of the outstanding stock, whether voting or non-voting; or (iii) which controls Provider, is controlled by, or is under common control with such Provider or entity.

SEE ATTACHED RESPONSE

7. PROVIDER'S PRESENT OPERATIONS:

☐ The Provider is not presently doing business in Pennsylvania as a public utility.

☐ The Provider is presently doing business in Pennsylvania as a:

☐ Interexchange Toll Reseller, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)

☐ Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA, (e.g., MTS, 1+, 800, WATS, Travel and Debit Cards)

☐ competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)

☐ Competitive Local Exchange Carrier:

☐ Facilities-Based

☐ Non-facilities-Based

☐ Incumbent Local Exchange Carrier.

☒ Other (Identify). *PROVIDE DARK FIBER SERVICES TO TELECOMMUNICATIONS CARRIERS IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF PITTSBURGH, PENNSYLVANIA.*

Borough of Blawnox Certification – Telecommunications Providers

Certification of Fiber Technologies Networks. L.L.C

Question 6:

Fibertech Networks, LLC, is the sole member of Provider.

Fiber Technologies Construction Company, LLC, is also owned solely by Fibertech Networks, LLC. It provides construction services for telecommunications companies and sometimes provides those services to Provider.

8. **PROVIDER'S PROPOSED OPERATIONS:** The Provider proposes to operate in the Commonwealth of Pennsylvania as:

- ☒ Interexchange Toll Reseller, InterLATA and/or IntraLATA, (e.g., MTS, 1-800, WATS, Travel and Debit Cards)
- ☒ Interexchange Toll Facilities-based carrier, InterLATA and/or IntraLATA, (e.g., MTS, 1-800, WATS, Travel and Debit Cards)
- ☒ Competitive Access Provider (dedicated point-to-point or multipoint service; voice or data)
- ☐ Competitive Local Exchange Carrier:
 - ☒ Facilities-based
 - ☐ Non-facilities-based
- ☐ Incumbent Local Exchange Carrier
- ☒ Other (Identify). *DARK FIBER SERVICES*

9. **PROPOSED SERVICES:** Describe in detail the services which the Provider proposes to offer within each category in Question #8. Clearly and separately delineate the services within each proposed category. (Attach a separate sheet if necessary.)

*SEE ATTACHED ORDER OF THE PENNSYLVANIA PUBLIC UTILITY
COMMISSION GRANTING CERTIFICATES OF PUBLIC CONVENIENCE
AND THE ATTACHED TARIFFS*

Provider certifies that no other services are proposed to be offered in the Commonwealth of Pennsylvania.

10. **CERTIFICATES OF PUBLIC CONVENIENCE:** List all of the services encompassed by your answers in Section 7 for which a Certificate of Public Convenience has been issued by the Pennsylvania Public Utility Commission. For each such service listed, specify the application number and date of issuance of each certificate. (Attach a copy of each such Certificate.)

1. *RESELLER OF INTEREXCHANGE TOLL SERVICE* *DOCKET # A-311101*
2. *RESELLER AND FACILITIES BASE CLEC* *DOCKET # A-311101 F0002*
3. *COMPETITIVE ACCESS PROVIDER* *DOCKET # A-311101 F0003*
4. *FACILITIES BASED INTEREXCHANGE CARRIER* *DOCKET # A-311101 F0004*
ORDER ADOPTED 9-26-01 ORDER ENTERED 9-28-01

List all of the services encompassed by your answer(s) in Section 7 for which no Certificate of Public Convenience has been issued by the Pennsylvania Public Utility Commission.

11. **TARIFF(S):** List all of the services encompassed by your answer(s) in Section 7 for which a current tariff is on file and in effect with the Pennsylvania Public Utility Commission. For each such service, specify the tariff number and date filed. A current copy of the tariff on file and in effect with the Pennsylvania Public Utility Commission corresponding to each service for which a Certificate of Public Convenience is listed in Section 10 must be appended to this Certification.

Provider certifies no other services are offered in the Commonwealth of Pennsylvania, except as follows:

12. **START DATE** The Provider proposes to begin offering services on or about AS SOON AS THE NECESSARY AUTHORIZATIONS ARE GRANTED.
13. **COMPLIANCE:** State specifically whether the Provider, an affiliate, a predecessor of either, or a person identified in this Certification has been convicted of a crime involving fraud or similar activity. Identify all proceedings, limited to proceedings dealing with business operations in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Provider, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings. THERE HAVE BEEN NO SUCH CONVICTIONS OR PROCEEDINGS.
14. **UPDATES:** Any change(s) to the information furnished by Provider in this Certification must be updated by Provider within thirty (30) days of the effective date of any such change by filing with the Borough of Blawnox an amendment, in writing, to this Certification fully describing the change. Such amendment must be accompanied by a completed Verification Statement in the form set forth on the following page of this Certification.

15. **VERIFICATION:** The Provider must complete the following Verification Statement.

VERIFICATION STATEMENT

[Commonwealth/State] of NEW YORK
County of MONROE

ss.

CHARLES Affiant, being duly [sworn/~~affirmed~~] according to law, deposes and says that:
VICE PRESIDENT AND FIBERTECH NETWORKS, LLC, SOLE MEMBER OF
[He/~~She~~] is the CORPORATE COUNSEL (Office of Affiant) of FIBER TECHNOLOGIES NETWORKS, LLC (Name of Provider)

That [he/she] is authorized to and does make this affidavit for said Provider;

That the foregoing Certification is current and complete.

That the facts above set forth are true and correct

The affiant understands that the making of false statement(s) herein may be grounds for criminal prosecution. This Certification, and any related application(s) or ancillary document(s) are subject to the provisions of 18 Pa.C.S.A. §§ 4903 and **4904**, relating to perjury and falsification in official matters.

Charles R. Stoddard
Signature of Affiant

Sworn and subscribed before me this 27TH day of AUGUST 2002
Month Year

Mario R. Rodriguez
Signature of official administering oath

My Commission expires May 14, 2003

MARIO R. RODRIGUEZ
NOTARY PUBLIC, STATE OF NEW YORK
REG. 01RO6058612
QUALIFIED IN MONROE COUNTY
MY COMMISSION EXPIRES 5 14 2003



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
SEPTEMBER 28, 2001

IN REPLY PLEASE
REFER TO OUR FILE

A-311101; A-311101F0002
A-311101F0003; A-311101F0004

DAVE THOMAS ESQUIRE
ERIK CECIL ESQUIRE
GERIE MILLER ESQUIRE
COLE RAYWID & BRAVERMAN LLP
1919 PENNSYLVANIA AVENUE NW SUITE 200
WASHINGTON DC 20006

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services, as a Reseller of Interexchange Toll Services, to the Public in the Commonwealth of Pennsylvania.

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services as a Reseller and Facilities-Based Competitive Local Exchange Carrier, to the Public in the Commonwealth of Pennsylvania.

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services, as a Competitive Access Provider, to the Public in the Commonwealth of Pennsylvania.

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services, as a Facilities-Based Interexchange Carrier, to the Public in the Commonwealth of Pennsylvania.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on September 26, 2001 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

fg
encls
cert. mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held September 26, 2001

Commissioners Present:

Glen R. Thomas, Chairman
Robert K. Bloom, Vice Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public in the Commonwealth of Pennsylvania.

Docket Number:
A-311101

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services as a Reseller and Facilities-Based Competitive Local Exchange Carrier to the Public in the Commonwealth of Pennsylvania.

Docket Number:
A-311101F0002

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania.

Docket Number:
A-311101F0003

Application of Fiber Technologies Networks, LLC for approval to offer, render, furnish, or supply telecommunication services as a Facilities-Based Interexchange Carrier to the Public in the Commonwealth of Pennsylvania.

Docket Number:
A-311101F0004

ORDER

BY THE COMMISSION:

On May 21, 2001, Fiber Technologies Networks, LLC (Applicant) filed four **(4)** Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-96)¹ and to Chapter 11 and 30 of the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*, and §§3001, *et seq.*) evidencing authority to provide the following telecommunication services to business customers, other carriers and public and private institutions:

- (1) As a Reseller of Interexchange Toll Services (“IXC Reseller”) throughout the Commonwealth;
- (2) As a Reseller and Facilities-Based Competitive Local Exchange Carrier (“CLEC”) in the service territory of Verizon Pennsylvania, Inc.;
- (3) As a Competitive Access Provider (“CAP”) throughout the Commonwealth; and
- (4) As a Facilities-Based Interexchange Carrier (“Facilities-Based IXC”) throughout the Commonwealth.

¹ Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996).

The Applicant complied with Section 5.14 of our regulations, 52 Pa Code §5.14, relating to applications requiring notice. No protests were filed and no hearings were held.

The Applicant is a New York Corporation with its principal place of business at 140 Allens Creek Road, Rochester, New York, 14618, phone (716) 697-5113, fax (716) 442-8845. Correspondence to resolve complaints may be directed to Mr. Charles Stockdale, Vice President and Corporate Counsel by phone at (716) 697-5113 at the Applicant's principal place of business. The Applicant complied with 15 Pa. C.S. §8981, relating to foreign limited liability company. The Applicant's registered office provider is CT Corporation System, 1515 Market Street, Philadelphia, Pennsylvania. The Applicant is not currently doing business in Pennsylvania. The Applicant is currently authorized to provide telecommunications services in Wisconsin, New York and Connecticut.

The Applicant will develop and lease high capacity dark fiber for use by Government/Educational, business and various communication carriers. The Applicant's facilities will provide a foundation that will be attractive to those that require transmission capacity where they have geographic gaps in their facilities, need additional capacity or require alternative or redundant routing and non-facilities based carriers requiring transmission capacity to carry their customer's traffic. The Applicant intends to install fiber cabling using existing utility rights of way. The telecommunications needs within each area will determine the maximum size cable to be installed, however, the Applicant will install a minimum of 72 strands per route. The Applicant hopes to accomplish, via this filing, the provisioning of pole attachment and conduit agreements from local utilities. The leasing of dark fibers allow the customers to interconnect any two or more specific points on a Wide Area Network or Intranet. Dark Fiber permits a customer to

install its own electronic equipment and use as much or as little capacity as it desires.

The Applicant requests authority to provide services as a CLEC in the service territory of Verizon Pennsylvania, Inc. The Applicant served a copy of the Application upon Verizon Pennsylvania, Inc. The Applicant asserts that it will not be a rural telephone company. The Applicant also requests authority to provide services as a Reseller of Interexchange Toll Services, a CAP and a Facilities-Based LXC throughout the Commonwealth.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.’ A CLEC applicant is expected to adhere to the requirements relative to universal service and Lifeline programs, as initially set forth or as subsequently enlarged or modified.’ Further, Section 253(b) of the **TA-96** permits a state commission to impose, on a competitively neutral basis and consistent with the Universal Service Section, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunication services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant’s financial fitness, tariff compliance, and rates.’

The Applicant has provided financial information to support its Applications. We, therefore, conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a Reseller of

² See, e.g., *MFS, Intelenet, et al.*, Docket Nos. A-3 10203, F0002, *et al.*, (October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*. Docket No. R-00963578; *Pa. PUC v. GTE*. Docket No. R-0093666, *Global Order*, Docket Nos. P-00991648 and P-00991649, as well as other CLEC proceedings.

³ *Universal Service Invest.*, Docket No. 1-00940035 (January 28, 1997).

⁴ *Blue Ribbon*, Docket No. A-310442 (April 25 and August 4, 1997).

Interexchange Toll Services, a Reseller and Facilities-Based Competitive Local Exchange Carrier, a Competitive Access Provider and a Facilities-Based Interexchange Carrier to the public in the Commonwealth of Pennsylvania.

We conclude that the Applicant has met the requirements for certification as an IXC Reseller, a Reseller and Facilities-Based CLEC, a CAP⁵ and a Facilities-Based IXC consistent with this Order. Premised upon our review of the Applications and the proposed tariffs, and consistent with our Orders, the Code, our Regulations and the TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy as contemplated by Section 3009(b)(4) of the Code. We note, however deficiencies in the proposed tariffs. See Appendix A for a list of deficiencies found in the proposed tariffs.

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.⁶ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Application, including the ILECs. If the time required for such resolution and filing exceeds sixty (60) days, the Applicant may request an extension of an additional sixty (60) days with the Commission's Secretary. Thus, if the Initial

⁵ CAP authority may not be used to access the Public Switched Network or toll calling. If a utility with CAP authority wishes to provide access to the Public Switched Network, or to provide local or IXC (intra LATA or inter LATA) calling services to its customers, the utility must also have been granted CLEC and/or IXC authority by this Commission.

⁶ Earl Kuhn, 717-783-3850 is the FUS contact. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213)

Tariffs are not filed within 60 days (120 days including the extension) of the entry of this Order, the Applications will be dismissed and *the* authority granted herein will be revoked without further Commission Order. To *the* extent that the proposed tariffs contain rates, the Initial Tariffs may become effective on one (1) days' notice from *the* date upon which they are filed and served.

Conclusion

Accordingly, we shall grant the Applications. The Applicant has had provisional authority under our *Implementation Order* (p. 7, para. B.1.c.4) and our *Implementation Reconsideration Order* (p. 5) to provide the proposed IXC, CAP and CLEC services pursuant to its proposed tariffs during the pendency of the application process. Upon the establishment of filed rates and the approval of the Initial Tariffs, a Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as an IXC Reseller, a Facilities-Based IXC and a **CAP** in *the* Commonwealth and as a CLEC on a facilities-based or resold basis in the service territories of Verizon Pennsylvania, Inc., consistent with this Order and our decisions in the *MFS* and such other proceedings;

THEREFORE,

IT IS ORDERED:

1. That the Application of Fiber Technologies Networks, LLC at Docket No. A-3 11101, for authority to operate as a Reseller of Interexchange Toll Services throughout *the* Commonwealth is granted, consistent with this Order.

2. That the Application of Fiber Technologies Networks, LLC at Docket No. A-3 1101F0002, for authority to operate as a Reseller and

Facilities-Based Competitive Local Exchange Carrier within the service territory of Verizon Pennsylvania, Inc. is granted, consistent with this Order.

3. That the Application of Fiber Technologies Networks, LLC at Docket No. A-311101F0003, for authority to operate as a Competitive Access Provider throughout the Commonwealth is granted, consistent with this Order.

4. That the Application of Fiber Technologies Networks, LLC at Docket No. A-311101F0004, for authority to operate as a Facilities-Based Interexchange Carrier throughout the Commonwealth is granted, consistent with this Order.

5. That the Applicant is directed to revise its proposed tariffs to reflect the changes noted in Appendix A of this Order.

6. That the Applicant shall file its Initial Tariffs consistent with the requisite changes noted ~~in~~ Appendix **A** of this Order, **within sixty** (60) days after the date of entry of this Order. The Applicant shall serve copies of its Initial Tariffs on each entity receiving a copy of the original Applications. To the extent the Proposed Tariffs contained rates, the Initial Tariffs may become effective on or after one (1) days' notice from the date upon which they are filed and served. If the Proposed Tariffs did not contain rates, the Initial Tariffs may not become effective prior to sixty (60) days' notice. The Initial Reseller of Interexchange Services shall be labeled "Reseller of Interexchange Toll Services Tariff". The Initial Reseller and Facilities-Based Competitive Local Exchange Carrier Tariff shall be labeled "Reseller and Facilities-Based Competitive Local Exchange Carrier Tariff". The Initial Competitive Access Provider Tariff shall be labeled

“Competitive Access Provider Tariff”. The Initial Facilities-Based Interexchange Carrier Tariff shall be labeled “Facilities-Based Interexchange Toll Services”.

7. That the Applicant shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of the Pennsylvania Public Utility Commission, now in effect or as may be prescribed by the Pennsylvania Public Utility Commission, including but not limited to: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; and the *Universal Service Investigation*, Docket No. I-00940035; and the *Global Order*, Docket No. P-00991648, *et al.*

8. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.

9. That the Applicant maintains separate accounting systems for its Reseller of Interexchange Toll Services, Competitive Local Exchange Carrier operations, Competitive Access Provider operations and Facilities-Based Interexchange Carrier operations.

10. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates.

11. That the Applicant contact each county or municipal authority where it intends to provide CLEC telecommunications service and make the necessary arrangements for the provisioning of Emergency 911 service.

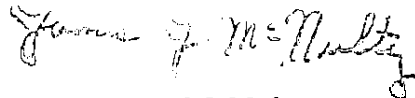
12. That the Applicant shall make 711 abbreviated dialing available to access the Telecommunications Relay Service and to arrange its switching equipment to translate these calls to the assigned toll-free number, (888) 895-1197, in order to route calls to the Telecommunications Relay Service Provider, in accordance with Commission's Order entered on February 4, 2000, at Docket No. M-00900239.

13. That in the event that the Applicant has not, on or before sixty (60) days (120 days including an approved extension) from the date of entry of this Order, complied with the requirements set forth herein, the Applications at Docket Nos. A-311101, A-311101F0002, A-311101F0003 and A-311101F0004 may be dismissed and the authority granted herein revoked without further Commission Order.

14. That upon the establishment of filed rates and the approval of the Initial Tariffs, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Reseller of Interexchange Toll, Competitive Access Provider and a Facilities-Based Interexchange Carrier within the

Commonwealth of Pennsylvania and to furnish services as a Reseller and Facilities-Based Competitive Local Exchange Carrier within the service territory of Verizon Pennsylvania, Inc., consistent with this Order.

BY THE COMMISSION,

A handwritten signature in dark ink, appearing to read "James J. McNulty", is written over a light gray rectangular background.

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: September 26, 2001

ORDER ENTERED: **SEP 28 2001**